

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

POWER INTEGRATIONS, INC.,

Plaintiff,

No. C 04-02581 JSW

v.

SYSTEM GENERAL CORPORATION, et
al.,

**ORDER RE MOTION TO
DISMISS OR IN THE
ALTERNATIVE TO LIFT THE
STAY**

Defendants.

On April 18, 2008, Plaintiff Power Integrations Systems, Inc. filed a motion to dismiss this action without prejudice or, in the alternative, to lift the stay. That motion is noticed for hearing on May 23, 2008.

In its motion, Plaintiff notes that the patents-in-suit are undergoing reexamination by the United States Patent and Trademark Office, a fact that the parties previously brought to the Court's attention in their Second Joint Status Report. On October 12, 2006, pursuant to notice filed by Plaintiff, the Court lifted the stay in this action. Thereafter, Defendants moved to reinstate the stay, in part on the basis that the proceedings before the International Trade Commission ("ITC") were not final, and in part on the basis of the reexamination proceedings.

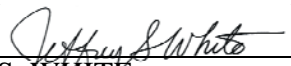
However, on December 28, 2006, the parties submitted a stipulation to the Court, whereby Defendants withdrew their motion to stay, and the parties stipulated to stay this matter pending *resolution of the matters proceeding before the Federal Circuit*. On April 1, 2008, in their Tenth Joint Status Report, the parties advised the Court that those proceedings were final, which the Court construes as notice that the Court of Appeals has rendered a decision. (*See*

1 Docket No. 156 (Order Granting Stipulation to Stay at 3:9-11.) By operation of the parties'
2 stipulation, the stay is lifted.

3 Accordingly, the Court shall hear the motion to dismiss on May 23, 2008, as noticed and
4 the parties' briefs shall be due in accordance with the Local Rules. If Defendants wish to move
5 for a stay pending re-examination, they should file an appropriate motion and notice it for
6 hearing in accordance with the Local Rules.

7 **IT IS SO ORDERED.**

8 Dated: April 22, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE